

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

LIGURIA FOODS, INC.,

Plaintiff,

vs.

GRIFFITH LABORATORIES, INC.,

Defendant.

No. C 14-3041-MWB

**SUPPLEMENTAL PRETRIAL
ORDER**

I held a Final Pretrial Conference in this matter on April 17, 2017. Plaintiff Liguria was represented by David Ben-Dov and Jay Denne, in person, and Richard A. Del Giudice and Christina M. Faklis, by telephone. Defendant Griffith was represented by Christopher B. Wilson and John C. Gray, in person. The following matters were discussed:

1. TRIAL SCHEDULE

This is a jury trial, before me, scheduled to begin on the **1st day of May, 2017**, in the third floor courtroom in the U.S. Courthouse in Sioux City, Iowa. The trial is scheduled for no more than ten days, and the parties will be subject to time limitations as I have previously communicated.

On Monday, May 1, 2017, counsel shall be at the courthouse by 8:00 a.m. Jury selection will begin at 9:00 a.m. In a departure from my usual procedure, the parties will make opening statements to the full venire of potential jurors prior to jury selection. The trial day shall conclude at 4:45 p.m. with a lunch recess of approximately 1 hour and 15 minutes. Thereafter, the trial days will run from 8:30 a.m. to 2:30 p.m., with

two recesses of approximately 20 minutes each, with the exception of Friday, May 5, 2017. Because of an investiture ceremony in the courtroom that day, trial will be held only from 8:30 a.m. until 11:30 a.m.

2. EVIDENTIARY MOTIONS

There are currently no pending evidentiary motions. The parties have outlined evidentiary and other legal issues in the final pretrial order.

3. FINAL PRETRIAL ORDER

By Order filed April 20, 2017, the parties were directed to resubmit a complete Proposed Final Pretrial Order with revised exhibit lists not later than 12:00 p.m. on Friday, April 28, 2017. That order will be entered separately when a signed copy is submitted.

4. TRIAL BRIEFS

Neither party has so far filed a trial brief.

5. WITNESSES

The parties are directed to have witnesses available throughout the trial, so there will be no delays, unless prior arrangements have been made to take certain witnesses at specific times. The parties have included some of the same witnesses on their witness lists. To avoid recalling such witnesses, the parties have agreed that cross-examination may be combined with the opposing party's direct examination and may exceed the scope of the original examination. The parties are requested to notify each other as soon as reasonably practicable if they decide not to call a witness listed on their witness lists.

6. EXHIBITS

The parties have submitted revised exhibit lists with their complete Final Pretrial Order. They have exchanged exhibits and submitted copies for the court.

7. JURY DOCUMENTS

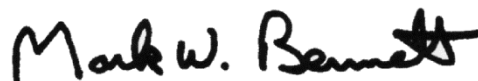
Prior to the final pretrial conference, the parties submitted Joint Proposed Jury Instructions and the plaintiff submitted a proposed verdict form. On April 19, 2017, I provided the parties with a first draft of the proposed jury instructions, including annotations showing my rationale, and directed the parties to email me and file responses by 12:00 p.m. on Saturday, April 22, 2017. I sent the parties a second draft of the instructions on April 25, 2017, and directed the parties to respond by email by 12:00 p.m. on April 26, 2017. I sent the parties what I believed was the final set of instructions on April 26, 2017.

8. COMPLIANCE WITH LOCAL RULES

The parties are cautioned to comply with all of the court's Local Rules in connection with the trial of this case. In particular, the parties are advised to refer carefully to Local Rules 83.3, 83.4, 83.5, and 83.6.

IT IS SO ORDERED.

DATED this 28th day of April, 2017.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA